

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 11270P4WO/CMB	FOR FURTHER ACTION See Form PCT/PEA416	
International application No. PCT/GB2004/002479	International filing date (day/month/year) 09.06.2004	Priority date (day/month/year) 10.06.2003
International Patent Classification (IPC) or national classification and IPC A47L15/44, D06F39/02		
Applicant RECKITT BENCKISER N.V. et al.		
<p>1. This report is the International preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 4 sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). 		
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the International application <input type="checkbox"/> Box No. VIII Certain observations on the international application 		
Date of submission of the demand 11.04.2005	Date of completion of this report 12.09.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Martin Gonzalez, G Telephone No. +49 89 2399-2154	



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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-40 as originally filed

Claims, Numbers

1-27 received on 12.04.2005 with letter of 11.04.2005

Drawings, Sheets

1/10-10/10 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

- The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

the entire international application,

claims Nos. 27

because:

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 27 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos.

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished

does not comply with the standard

the computer readable form

has not been furnished

does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

See separate sheet for further details

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims 15-18
	No:	Claims 1-4,6-10,21,22,26
Inventive step (IS)	Yes:	Claims 15-18
	No:	Claims 5,11-14,23,25
Industrial applicability (IA)	Yes:	Claims 1-26
	No:	Claims

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

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Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The general references to the drawings used in **claim 27** are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claim so unclear (Article 6 PCT) that no opinion with regard to novelty, inventive step and industrial applicability can be established.

Furthermore, according to Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: US-A-2 698 022 (FREDERICK FAHNOE) 28 December 1954 (1954-12-28)
- D2: US 2002/100773 A1 (FULLER GRAHAM ET AL) 1 August 2002 (2002-08-01)
- D3: DE 199 54 706 A (AEG HAUSGERAETE GMBH) 23 May 2001 (2001-05-23)
- D4: US-A-2 948 436 (NOREN TORE H ET AL) 9 August 1960 (1960-08-09)
- D5: US-A-3 739 942 (MERCER R ET AL) 19 June 1973 (1973-06-19)
- D6: DE 42 01 165 A (WMF WUERTTEMBERG METALLWAREN) 22 July 1993 (1993-07-22)
- D7: US-A-2 118 299 (WILLIAM ELLIS OWEN) 24 May 1938 (1938-05-24)

1. **Claims 1-25** are directed to a portable dishwasher detergent dispensing device which is to be used in a dishwasher. While claims 1-25 are claiming a portable dispensing device per-se, said claims seek to define the detergent dispenser by reference to features of the dishwasher, which is not a part of the claimed dispenser. For instance, in said claims a dispensing device is defined comprising closing means responsive to a condition of a dishwasher at the start or before the rinse cycle (i.e. the

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corresponding temperature). Dishwasher cycles and rinse cycle temperatures are not standard and may differ from one dishwasher to another or depend on the kind of ware to be washed. Said temperatures may be even selectable for different programs of the same dishwasher. The skilled person cannot specify a particular temperature or temperature ranges for all possible dishwashers where the device as claimed in claims 1-25 can be used. Therefore a prior art dispensing device comprising closing means responsive to any one temperature would advance such a feature and can deprive said claims, at least with respect to said feature, of novelty.

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1** is not new in the sense of Article 33(2) PCT. Document D1 discloses

a portable automatic dishwasher detergent dispensing device comprising a body 10 enclosing detergent or detergent additive, sufficient for a plurality of wash cycles, the body having an inlet aperture (see column 1, line 70) to allow wash liquor to contact the detergent and an outlet aperture (see column 1, line 70,71) to allow the detergent loaded wash liquor to exit the body 10 and means 11 to close the one or both of the apertures before the start of the dishwasher rinse cycle (see §1. above and D1, col. 1, lines 44-50).

The upper end of the body 10 of D1 is open (see D1, col. 1. line 70), embodying therefore an inlet aperture. It is also disclosed in D1 that the dispenser can be used with solid detergents (see D1, col. 2, lines 53-63). In this case the known dispensing device, in use, must allow the wash liquor to contact the detergent inside the dispensing device, to become loaded and leave the device.

3. The further features of **claims 2-4, 6-10, 21-22 and 26** are also disclosed in D1. Hence, the subject-matter of said claims is not new in the sense of Article 33(2) PCT.
4. The additional features of the dependent **claims 5,11-14,23-25** relate to diverse modifications of the known dispensing device described in D1 which are obvious to the man skilled in the art. Therefore, said dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

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5. **Claims 15-18** meet the requirements of the PCT with respect to novelty and inventive step. Document D1, which is considered to represent the most relevant state of the art, discloses a dispensing device from which the subject-matter of claim 15 differs in that the closing means comprises a plurality of thermal bimetals.

With a plurality of thermal bimetals instead of only one as in D1, a dispensing device with a better regulation for the dispensing of detergent or detergent additive to the wash liquor can be constructed.

Claims 16-18 are dependent on claim 15 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII

Certain defects in the international application

6. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

7. Independent claim is not in the two-part form in accordance with Rule 6.3(b) PCT,

8. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).